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AUTHOR Noboa, Abdin
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ABSTRACT

This paper argues that the intent of the Elementary and Secondary Education Act (ESEA) of 1965 and subsequent amendments to improve and equalize educational opportunities for the disadvantaged have been aborted by impotent enforcement and insufficient appropriation of resources. Research findings and highlights from major educational evaluations of ESEA, particularly those concerning Title I of the Act, are presented in support of this argument. Data on achievement rates and achievement regression of ESEA students are provided. Specific reference is made to the poor achievement rates of ESEA Hispanic students and the lack of significant research on this population. Major points made in the paper are summarized and conclusions are discussed. A bibliography is appended. (Author/EB)

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ESEA - TRIUMPH OR TRIBULATION FOR THE HISPANIC:

A review of the research with special
emphasis on Title I

Abdin Noboa
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TABLE OF CONTENTS

<u>Introduction</u>	
<u>Inequality of Education and ESEA</u>	
Historical antecedents to ESEA	
The ESEA: P.L. 89-10	
Inequality of educational opportunity	
<u>What Can We learn From the Research on ESEA?</u>	
Research on educational proficiency	
Title IX - Emergency School Aid Act	
Title XII - Adult Education	
Other Titles	
<u>Title I</u>	
General overview of Title I services for FY76	
Evaluations of Title I	
USOE internal evaluation data	
Title I achievement data	
General achievement data	
Regression of achievement scores	
Differential effects on children	
Parental involvement	
Compensatory education in outlying areas	
Funds allocation	
<u>Administration of Title I</u>	
The legal framework	
Monitoring and enforcement	
State administration	
Local district administration	
<u>Summary</u>	
<u>Conclusions</u>	
<u>Bibliography</u>	

ESEA: TRIUMPH OR TRIBULATION FOR THE HISPANIC?

INTRODUCTION

The Elementary and Secondary Education Act (ESEA) of 1965 with its subsequent amendments is the most extensive and controversial legislation in the history of American education. It not only has involved the Federal Government in the monitoring of special programs at the State and local education levels, but also has greatly expanded monetary support to implement its intent. As we applaud Federal efforts to equalize educational opportunity in our nation, we also must indicate that all is not well in our barrio schools.

If nothing else, I want to emphasize two areas of critical concern: (a) legislation for the so-called "disadvantaged" child suffers from a false etiology and is misguided at best and (b) legislative intent can differ radically from local program delivery in that even good legislation too often is aborted by impotent enforcement and insufficient appropriation. The latter concern strikes at the local delivery of viable programs. While I will not address the former, I expect my commentary will have much to say about the latter.

An impediment to discussing such a broad topic is that try as we may, we will surface only the tip of the iceberg. Volumes upon volumes have been written on nearly every conceivable aspect

of ESEA, and it would be impossible for me to summarize the host of concerns a community such as ours brings to bear on such major legislation.

In considering how to approach this topic, I thought it best to highlight and comment on what we have learned from major educational evaluations of ESEA, with particular concentration on Title I, and to bring into focus my biases as an Hispanic researcher and practitioner. Before navigating through this maelstrom, let me attempt a brief but necessary historical, political digression leading to the creation of ESEA.

INEQUALITY OF EDUCATION AND ESEA

Historical Antecedents to ESEA

The postwar growth in education is unprecedented. The baby boom increased school attendance from 2.2 million in 1946 to more than 3.7 million in 1953. Postwar internal migration to northern cities created major population shifts among black Americans, Chicanos, and Puerto Ricans. This period also brought forth a high incidence of unemployment and an increasing reliance on education as the means of social mobility (Bailey & Mosher, 1968).

While these demographic trends were operating, the U.S. dollar shrank 40% from 1946 to 1953 alone and capital outlay for education continued to drop throughout the 1950's. Funds for education were insufficient despite State and local government adjustment of local tax levies for education; the inflation gap could not be closed (Bailey & Mosher, 1968).

These and other events had inevitable effects on American education. By the mid 1950's the plight of the American Black had once again become an international embarrassment. Soon afterward, Russia's Sputnik spurred America into an age of tremendous technological competition to build up scientific and technical capability. While in the throes of creating scholarships and scientific programs to advance the state of knowledge through the maximum educational development of America's human resources (e.g., the National Defense Education Act of 1958), it became obvious that a rather large sector of this country could not profit fully and had not entered fully into the new and rapidly developing great society. The unequal participation of minorities was further highlighted in the presidential campaign of 1960 and became an issue of national debate and consciousness-raising. Internal inconsistencies not only thwarted our country in espousing freedom in the cold war struggle, but also suppressed the general human potential through an unequal participatory democracy. Displeasure over the obvious incompatibility of racism and freedom was expressed across the country.

By the early sixties it was evident that "twenty years of rapid postwar and economic growth had produced little change in income distribution. Education was still distributed along class and racial lines." (Canroy & Levin, 1976). A rapidly growing economy now provided surplus funds to be used for other public services. Debates were transformed into legislative initiatives to remove the "barriers" to full and equal participation of all

citizens in the labor and education sectors.

The ESEA: P.L. 89-10

The effects of neglect, however, could not be eradicated in one single sweep. The major social structures that had been developing over centuries were the very core of the American way of life. Not only was strong legislation imminent, but so was the increase in educational achievement among children labeled disadvantaged. While the former could be achieved quickly the latter would take years of toil.

And so a war was declared against poverty. Albeit tardy, the Civil Rights Act of 1964 began to provide some necessary muscle to the Brown decision of 1954. Several major legislative acts designed to eradicate poverty, to improve life in the "other America," were passed, among them the Economic Opportunity Act and, soon afterward, the Elementary and Secondary Education Act (ESEA) of 1965 under P.L. 89-10. (Although the latter germinated during the New Frontier, it really came of age in the Great Society.) Although ESEA quickly received \$1.34 billion on September 23, 1965, it was already late for its first academic year. This large appropriation "required a major reorganization by [then] Commissioner Keppel to assimilate such a large legislation into a rather weak and fragmented USOE" (Bailey & Mosher, 1968).

But why legislation on education? Class distance in America was increasing. The rhetoric of good intentions was no longer sufficient. A new process had to be created whereby special, targeted groups would be the sole beneficiaries. If education

was indeed the way out of poverty, then a national education program must accompany an economic package. A large fiscal allocation was necessary for national impact, and established Federal offices had to be revamped to assure program stability and continuity. Program performance had to be evaluated through State and local feedback to ensure proper and equitable delivery of programs, and detailed regulations had to be drafted to allow State and local flexibility in government.

The burden fell on Federal shoulders. The Federal Government stepped in to do what the States had not. The process was further accelerated by State and local governments already too eager to relinquish authority in an area of conflict and controversy. Also, State budgets were burgeoning and Federal aid was the last untapped source of revenue for public school education. And so, by default, the Federal Government championed the cause of minority rights in education.

By the late sixties, education as a national priority had lost momentum. The Vietnam war had strained the nation's resources. The spread between ESEA authorization and appropriation began to grow in 1966 so that by the time President Nixon assumed office ESEA was underfunded by \$5.7 billion; that is, only \$3.2 billion was requested for a program that called for \$8.9 billion (Thompson, 1976). Surprisingly, this occurred at the end of a period during which Federal grants had increased from \$4.9 billion (in 1958) to \$23.9 billion (in 1970) (Mosher, 1977).

The major question then was whether the ESEA was general aid

for education or categorical aid for fighting poverty. The imposition of "law and order" stopped the poverty war, and in place of current legislation the Nixon administration proposed Education Special Revenue Sharing.

Today, an additional concern must be raised: Did the carrot of Federal money lead schools along paths that would normally not have been followed (Bailey & Mosher, 1968)? And, even more importantly to us, has it led our community schools in the wrong direction?

In examining these issues, I draw from the research on Federal assistance in education and those findings research now indicates as significant in the areas of Federal involvement and program effects on students.

Inequality of Educational Opportunity

The study on the Inequality of Educational Opportunity widely known as the Coleman Report, as part of Title IV of the Civil Rights Act of 1964, was begun before ESEA was passed but released afterward. Contrary to popular belief, it did not affect the passage of ESEA. The Coleman Report, the most extensive educational survey conducted, was still gathering data on the condition of inequality in the country while the most comprehensive legislation designed to have an effect on poor children was being passed. Controversies in the survey notwithstanding, what benefit could such a research effort have been for legislators after ESEA had been passed? It would have been very difficult to change the original intent of Title IV of the Civil Rights Act had the results of Coleman's study been different.

The nation's largest survey indicated that:

- . Schools are highly segregated.
- . Minority groups students have larger classes, fewer textbooks and library resources, poorer facilities, less access to college preparatory curriculum, and fewer extracurricular opportunities than white students.
- . Teachers of Black (and Hispanic) students are consistently of lower quality than those of white students.
- . Minority group students (with the exception of Asian Americans) scored lower in achievement at every level than the majority group, with an ever increasing gap for each year in school.

Familiar? It certainly was familiar in 1954, and it continues to have a relevant ring.

However, the Coleman study went beyond its mandate to survey the lack of equality of educational opportunity; it inferred causes for differences in student achievement through regression analysis. At least two major and controversial conclusions were reached: (a) amount of school resources correlated slightly with poor achievement scores (that is, achievement was more closely related to attending school with classmates of superior educational backgrounds and aspirations); and (b) the extent to which an individual feels he or she has control over his or her own destiny was highly correlated with achievement. Conclusion? Blacks and Hispanics who attended schools with a greater percentage of whites scored higher on achievement tests and displayed a much greater sense of control over their own futures (Bailey & Mosher, 1968).

While I am not here to discuss the statistical interpretations of these findings (the literature abounds here), you certainly can see why these results have pricked the research impulses of many.

Educational research concerning these issues has mushroomed since the release of the Coleman Report.

Educators have sided with every conceivable viewpoint since then: from Arthur Jensen's thesis that compensatory education has failed because Blacks (and by implication, other racially tainted groups) are inherently inferior, to Christopher Jencks et al., who reassess the effects of schooling in America and conclude that schooling is not a very strong predictor of occupational and social mobility. Although theoretical perspectives on education and the disadvantaged have taken many shapes and fads, their fluidity has not strongly affected the funding of Title I. Although new titles have been added to ESEA (e.g., Title VII in 1968) and others have changed greatly (e.g., Title III and IV), amendments continue either to reinforce the original legislation minimally or to introduce new, although small Title initiatives.

Overall, educational research rarely has influenced legislation. This does not suggest that research findings are unimportant. On the contrary, there is a wealth of information which we should incorporate into practice; the information derived from program impact studies, for instance, has been underutilized. At the same time, many significant areas of concern regarding Hispanics and education have not been satisfactorily addressed. The literature on the disadvantaged is about Blacks and, as Hispanic demographers and anthropologists continue to proclaim, there are vast differences between the groups which make it impossible to generalize from literature about Blacks to Hispanics.

Generalizations across ethnic/racial groups based on the culture-of-poverty model grossly ignore present research evidence.

Let me restate what I have said about research in education:

- . Theoretical research perspectives on the disadvantaged vary widely.
- . Research has had little impact on ESEA.
- . Valuable research findings are not being utilized in reviewing and learning more about educational programs affecting Hispanic youngsters (especially impact studies).
- . The bulk of research on the disadvantaged is not relevant to Hispanics, and most of the miniscule research on Hispanics concentrates on language studies.

WHAT CAN WE LEARN FROM THE RESEARCH ON ESEA?

Research on Educational Proficiency

One of the studies on educational proficiency, mandated by the 1974 amendments to ESEA (P.L. 93-380), assessed national educational progress (National Center for Education Statistics, 1977). It found that 13% of 17-year-olds were functionally illiterate and that writing skills have declined. It also reconfirmed the Coleman Study's finding of relatively low achievement scores of Hispanics and Blacks as compared with whites for various grade levels.

The recent report on the Sustaining Effects Study (Hoepfner, Wellisch & Zagorski, 1977) indicates the following national trends for the 1975-76 school year.

TABLE 1: Level of student achievement by degree of urbanism

<u>Degree of urbanism</u>	<u>Percentage of schools with half or more students reading one year or more below grade level</u>
City of over 500,000	41%
City of 200,000-500,000	22%
City of 50,000-200,000	14%
Suburb of city	3%
City under 50,000	6%
Rural area near city	6%
Rural area not near city	12%

While we can say that more than a decade of major Federal spending in elementary and secondary institutions has not changed appreciably the relative achievement levels of Hispanics and Blacks in this country, I would strongly insist, by extrapolating from other data, that it could be worse.

For the country as a whole, average scores on SAT's and other standardized tests have been declining for more than a decade (with very few exceptions). While universities become concerned about the quality of entering students, employers are concerned about the growing insignificance of a high school diploma and the increasing rate of functional illiteracy at that level. While the median number of years of schooling is increasing, the level of achievement gains has decreased. Even the Navy is having difficulty: many recruits need to enroll in reading courses to raise their reading ability to the sixth-grade level (Hearings before the subcommittee, 1978). Although this national decline is not limited to low income youth, it affects them more.

To reverse this trend, 5 states are already requiring educational proficiency testing, and 29 others are sufficiently

concerned to be involved in some form of performance-based educational activities in basic skills (Hearings before the subcommittee, 1978). Education in this country is taking a heavy toll, and minorities are not exempt.

Title IX - Emergency School Aid Act

The most recent assessment of the Emergency School Aid Act (ESAA) concluded that:

1. There is a lack of flexibility in responding to the critical needs of districts undergoing school desegregation. Although the State formula for apportionment of funds has become more flexible (H.R. 11282, 1978), I believe further examination is needed, especially as to how the formula affects Hispanic populations who are inconsistently classified as "White," "Black," "Hispanic," or "other".

2. The act, until recent legislation, was penalizing school districts that had adopted desegregation plans because school districts with approved desegregation plans were technically ineligible.

3. ESAA funds continue to be used for compensatory education purposes. A recent USOE evaluation found this true in 70% of all school districts (U.S. Office of Education, 1977). The irony is that the restrictive nature of ESEA Title I also makes it difficult to meet the needs of children in desegregating districts. Despite the "follow the child" provisions of ESAA, insufficient funds were available because this type of program has a 5% ceiling. Congressional resolution has now increased funding to \$7.25 million for this purpose. Black and Hispanic educators believe this to be rather low. (Bilingual programs also have suffered from these

shifts. Keeping a bilingual program intact becomes difficult when students are dispersed. There are provisions to protect certain bilingual programs, but not others.)

4. The ever-present problem of single-year program funding and fiscal appropriation cripples categorical education programs. This is not unique to ESAA, but crosscuts other Title programs. Districts clamor that while they have to adhere to strict time-frames for Federal solicitation, Federal agencies are not required to keep any timetable in notifying them of their application status. In some cases, notification of ESAA awards was made after the school year had begun (U.S. Office of Education, 1977). Continuity of programs and staffing is from year to year, with late notification. It sometimes takes very little decrease in quality to change a well-planned inner-city program to a failure.

5. A continuing administrative problem in the Federal Government is that of right-hand and left-hand program coordination: Titles operating under different statutes and guidelines, and staff, double up (or worse, cancel each other out) in serving the same group of children. Coordination across ESAA schools, Title I schools, Title VII programs, and other projects is lacking. Who's on first, and who's on second? While the Federal Government is busy robbing Peter to pay Paul for lack of adequate appropriation, some of our more sophisticated local education agencies (LEAs) rob Peter and Paul to pay John. Solutions to the problem of coordination certainly cannot be dumped on the Federal Interagency Committee on Education (FICE), which also is without funds.

Title XII - Adult Education

We read in the Congressional Committee Report on H.R. 11282 that Title XII (formerly Title III under the Adult Education Act, P.L. 91-230) can barely serve the needs of 1.5 million of the more than 14 million adults over 25 years of age who have completed less than 8 years of formal education.

In addition, a recent memo from the Adult Education Division admits that there is little information with which to assess the impact of the 1974 amendments to the Adult Education Act intended to give special attention to persons of limited English-speaking proficiency. Annual State performance and financial reports provide very limited information on program participants compiled from the most recent data, but it is estimated that some 360,000 Spanish-surnamed participated in adult education programs in Fiscal Year 1976.

There is minimal coordination of activities by the Federal Government for these programs. The funds are awarded to State departments of education. States have total jurisdiction as to the utilization of these funds, with little Federal accountability.

Other Titles

Similarly, other Titles suffer from drastic cuts in funds, making programs like "Right to Read" a laughingstock (when compared with literacy programs of underdeveloped countries). Not only are the Titles authorized at much lower levels than originally requested, in turn, they are appropriated at a fraction of the authorized budgets. The yo-yo effect of program funding, coupled with

insufficient funds and extremely late award dates, breeds program instability and a fair measure of contempt toward the very hand that feeds.

While I would like to address some of these other Titles (e.g., Title X and subsections of Title I, Migrant Education), I limit my presentation to Title I, Part A.

TITLE I

There are stacks to read and columns of printouts yet to be analyzed in Title I. Last year alone (FY77) \$2 billion was appropriated for Title I efforts. This represented 34% of all Federal expenditures in elementary and secondary education (The Compensatory Education Study, Executive Summary, 1978). Of such a gigantic program, I can certainly afford a myopic view.

Title I is a categorical, not a general, aid program. Funds are intended to meet the "special educational needs" of educationally "disadvantaged" children in low-income areas. Despite its specific mandate, over 90% of our nation's 16,000 school districts received some Title I assistance for FY76.

General Overview of Title I Services for Fiscal Year 1976*

- . Since its enactment in 1965, Title I has provided services to well over 45 million children at a cost exceeding \$16 billion.
- . Over 75% of FY77's budget for Title I went for Part A of the legislation, that is, to local school districts.
- . Of this amount, central cities received \$633 million, almost 40% of the total Part A funding for that year.**
- . The number of teachers hired is a function of overall Title I expenditures, and teacher salaries account for nearly all of the instructional expenses in Title I.

*These statistics are taken from the first volume of NIE's Report to Congress.

**Funds for migrant, delinquent and neglected children, and the handicapped are administered at the state level.

- . Nationally, three-quarters of Title I goes to instructional services.
- . Each student receiving compensatory teaching instruction spends an average of 3 hours and 47 minutes in such instruction per week. The estimates for language arts and math are 4 hours and 3 hours, respectively.
- . The average class size for compensatory instruction is 9 students in remedial reading and 12 students in language arts and mathematics.
- . Most of the teachers providing compensatory instruction have some advanced academic training beyond a bachelor's degree, and a considerable percentage (30.5%) have at least a Master's degree.
- . The percent of students receiving instruction in reading is 74.5%; 40.5% receive instruction in language arts and 44.7% in mathematics.
- . Districts with more students participating in pullout programs hire more teacher aides as well as teachers with Master's degrees.
- . In general, districts hiring less well educated (and therefore lower paid) personnel schedule more hours of compensatory instruction.
- . An average of 90% of the schools classified by LEAs as eligible receive Title I funds.
- . Only 66% of the children determined eligible by school districts receive services.
- . Approximately 5.9 million public school students in grades K-8 receive Title I or State-funded compensatory education services. This is 19.5% of all public school children enrolled in those grades.
- . One-fourth of the districts studied by NIE had no functioning school advisory council.

The following tables are taken from NIE's report to the Congress and illustrate the scope of Title I programs and services:

TABLE 2: Racial ethnic composition of Title I districts (percentages)*

	<u>White</u>	<u>Black</u>	<u>Spanish Surnamed</u>	<u>American Indian</u>	<u>Asian/ Pacific Islander</u>
Total Enrollment	74.8	19.5	4.8	0.3	0.5
Compensatory education students	54.0	34.5	9.8	0.8	0.8

*The universe of districts from which the sample for the survey was selected did not include approximately 800 districts in the country that have only high schools. The survey data therefore cannot be used to estimate the percentage of all high school students in the country who receive Title I services.

TABLE 3: Compensatory instruction received by compensatory education students, by subject

	<u>Percent of all CE students*</u>
Remedial reading	50.4
Language arts/communication skills	35.0
Mathematics	44.4
Social/cultural studies	13.7
Science	12.2
Special education/learning disabilities	5.3
English as a second language	2.9

*Percentages add to more than 100 because some compensatory education students receive compensatory education instruction in more than one subject.

TABLE 4: Average minutes per week in compensatory education instruction, by instructor

	<u>Reading</u>	<u>Language arts</u>	<u>Mathematics</u>
Classroom teacher	248	267	202
Subject area specialist	211	268	192
Teachers' aide	263	249	200
Paid parent	318	173	211
Volunteer parent	219	251	192
Older student	262	263	186
Peer	223	278	213
Average time per subject	227	249	198

Table 5 indicates the racial and ethnic distribution of compensatory education teachers. Though this distribution is less representative of the racial and ethnic distribution of the group of compensatory education students, which includes more minorities and fewer whites, it parallels closely that of total enrollment in Title I districts.

TABLE 5: Racial ethnic distribution of compensatory education teachers (percent)

White	76.8
Black	19.6
Spanish surnamed	1.7
American Indian	0.1
Asian/Pacific Islander	0.5

Evaluations of Title I

At least 15 major evaluations of Title I have been conducted during the past decade at a cost of more than \$22 million. The most recent series of evaluations sponsored by DHEW/NIE under P.L. 93-380 (1974) cost \$15 million over a two-and-a-half year period and was parceled across 35 independent contracts. A final executive summary volume (1978) to the six-volume report to Congress was completed recently and is available.

Another multiyear study under USOE/OPBE is entering the second of its three years and is expected to produce results on the sustaining achievement effects of compensatory education programs. Only volumes I and II of an expected 17 volumes are available.

Prior to NIE's study, two types of Title I program evaluations had been conducted. Those from 1966 to 1971 primarily sought either to assess program input through achievement criteria (McLaughlin, 1975). The major Title I evaluations conducted during the second period (1972-1977) were in agreement that "the measure of Title I effectiveness was its impact on students (sic) cognitive and noncognitive development and the studies' chief aim were (sic) to suggest ways in which the impact of Title I on students could be increased" (D. H. McLaughlin et al., 1977).

The NIE studies on the other hand, were to assess the effectiveness of compensatory education for use in deliberations on the reauthorization of Title I.

The NIE commissioned studies on: (a) the processes associated with the administration of programs at the Federal, State and local levels; (b) alternative funding allocation formulas and projected changes in the composition of target populations; (c) student development, which included a national sample of present Title I services, designs of innovative program models, conference reports on research in reading among the disadvantaged, and the instructional effects of pull-out programs; and (d) demonstration studies in which school districts freely manipulated the concentration and funding criteria of students receiving Title I programs.

As you have read from your copies of the House conference reports and S.1753, the NIE recommendations were accepted with minor modifications. Legislative recommendations came primarily from two NIE funded projects from the Lawyers Committee on Civil Rights Under Law (LCCRUL) review of existing Title I regulations which was based on careful legislative review and site visits to selected states.

Paul Hill, past chief of the Compensatory Education Division at NIE, testified before the House Committee on Education and Labor that, on the whole, Title I of ESEA was meeting its legislative intent and that the Federal approach to managing Title I was basically "sound". He went on to say that "Title I administration is probably better now than at any time since the program was enacted" (Hearings Before the Subcommittee, 1978).

I shall make random comments on various Title I studies with primary concentration on NIE's reports to Congress inasmuch as they were to have influenced the 1978 proposed amendments to ESEA.

USOE Internal Evaluation Data

Conclusions drawn from yearly internal evaluations of Title I are misleading. They are aggregates of aggregated statistics based on local compilations. That is, the statistics derived are aggregated at various levels within a respective State department of education and recompiled at the Federal level. However, the data from the various states cannot be compared, and USOE cannot draw inferences about the status of compensatory education in the nation from these statistics. While the data are extensive, they have little meaning.

Title I Achievement Data

Evidence drawn from achievement data has been contradictory throughout the history of Title I and is scattered on both sides of the achievement spectrum. While in some studies Title I students have shown high increase in achievement compared with non-Title I students, other studies show no significant differences. No national evaluation study thus far has been able to assess level of achievement with any accuracy. Even data obtained across national evaluations are noncomparable (D. H. McLaughlin et al., 1977).

The Sustaining Effects Study is the most recent attempt to analyze national achievement data. It is a 3-year, longitudinal study. However, 260 schools were eliminated from the sample, including all schools in predominantly Hispanic community settings where "most of the instruction was bilingual or ESL" or where most of the instruction was "for children of migratory workers" (Hoepfner et al., 1977). Hispanics will be systematically

excluded from the national sample by design. Whatever this study may conclude, it certainly will not be applicable to Hispanics. Legislative and/or program recommendations emanating from the study will not include Hispanic concerns. Whatever benefits such a study may have most assuredly will exclude Hispanics. Although Hispanic enrollment in public schools and participation in Title I programs is increasing, actions of this kind are destructive to our children, and this insensitivity of research scholarship must be discontinued.

Regression of Achievement Scores

Further studies have paid little attention to an important phenomenon - that Hispanic achievement scores regress much more than others during the summer recess. These drops are cumulative over several years and cannot be ignored over time. That is, while there may be a month-to-month correspondence in achievement from September through June for Black and Hispanic youngsters, it is only a partial picture of the total yearly achievement. Maintaining parity during school attendance per se is not an accurate indicator of achievement. This is especially true among Hispanic children who speak only Spanish at home during the summer. And, contrary to popular belief, most of these children are not enrolled in bilingual/bicultural programs.

NIE's Student Development report to Congress did not take summer regression of scores into account nor did it include a separate analysis for Hispanic students. It reported that first graders in the national sample made "average gains of 12 months in reading and 11 months in mathematics in the 7 month period between fall and spring testing," while "third graders gained 8 months in reading and 12 months in mathematics." The report contains no information

on other grades and even admits that "the programs examined were selected to exemplify certain instructional techniques" (not achievement data). Since this sample included only programs whose characteristics would be stable during the school year, "these classrooms may have been more stable than is typical of compensatory education programs" (U.S. DHEW/NIE, The Effects of Services on Student Development, 1977). These scores are therefore not generalizable and may be inflated.

Differential Effects on Children

Although Federal studies suggest that much needs to be known about the "differential effectiveness of compensatory education for different types of children," little has been done in this area. NIE's Title I studies on student development ignored this dimension. This is unfortunate because information in this area would "help improve the validity of evaluations and... [would] identify the most critically needed research and development" (D. H. McLaughlin et al., 1977).

There is also a lack of knowledge in this area about individual differences in the way children acquire cognitive skills. Information from NIE's conferences on compensatory education and reading at the Learning and Development Research Center in Pittsburgh would have been of interest to readers of these tomes.

Also, the language instruction for non-native speakers such as ESL and Teaching English as a Second Language (TESOL) within the context of Title I was not addressed in any of the reports. Hispanics constitute more than 10% of Title I students and their

numbers are increasing. Yet we still lack important information on the language instruction of this group of students.

Parental Involvement

The NIE reports state several times that quality of parent involvement can make considerable difference in the success of compensatory education programs. This is not a new finding. Evidence has been available for some time that programs that have involved parents in teaching their own children generally have been among the most successful. However, there is little recent information in this area and NIE's report simply quotes previous studies. I was unable to gather any information on the NIE study of parent advisory councils (PACS) in last year's final reports to the Congress. NIE awarded a contract to study PACS, yet this information seems to have been ignored (or buried) for Congressional review.

Compensatory Education in Outlying Areas

Information on Title I has been lacking for Guam, other Pacific Islands and Trust Territories, and Puerto Rico. Aside from the several recommendations on federal regulations affecting these areas by LCCRUL for the NIE, there is little information for these populations. While I accept the fact that the largest evaluation of Title I thus far did not address the process of Title I program delivery to countries or non-native languages and/or dialects, this is especially alarming when we consider that Puerto Rico has a larger population than one-half of all the States in the United States. The problems of categorical aid at all

levels of ESEA is a rather significant issue and continues to be of much debate for these islands. I will not lay the blame fully on NIE, but squarely on the totality of evaluation research since the implementation of Title I.

Funds Allocation

As I am not an economist, the NIE volume on Funds Allocation was nearly incomprehensible. I suspect that Congress found it just as difficult to understand. The NIE report was rather favorable toward the use of the Orshansky formula for determining school eligibility. I have since noticed that H.R. 11282 includes a slight revision of the formula to count all "AFDC" families rather than the "two-thirds" fraction previously used.

The findings from the NIE Demonstration Projects involving the redistribution of funds based on achievement criteria and changes in concentration of students served indicated that "districts served more poor and minority children, as well as more low-achievement criteria, combined with more restrictive student eligibility criteria, enables districts to select low-achieving students more directly."

The difficulty with the model is that the proportion of poor children in the Title I population decreases in proportion to the total number of Title I students selected from the new eligibility criteria. To serve as many or more minority and low-income children, the total number of students served must increase proportionally. While the NIE report states that the increase in total students served did not change significantly the quality or

dilute the program delivery process, I suspect a very strong "Hawthorne" effect. These districts were predisposed to changing district eligibility criteria as a necessary criteria in the requirement for the request for proposals on school demonstration projects.

ADMINISTRATION OF TITLE I

The Federal Government has created a rather large and complicated legal and political framework for the administration of Title I. In addition, a relatively simple Federal monitoring and enforcement procedure backs up the regulatory management structure of Title I. At the State level, a series of activities paralleling the Federal scheme also take place. I shall discuss each of these aspects separately and in some detail since they bear most directly on Title I policy and this is an area in which the NIE sponsored studies on compensatory education made a substantial contribution.

The Legal Framework

The rulemaking function of Title I must assure that Federal expenditure meets its statutory purposes and that these dollars not be misspent. As a result, a rather elaborate structure, to some degree necessary, has been established. The legal framework consists of the following:

1. Congressional statute--these are the original legislative act and subsequent amendments.
2. Formal regulations and guidelines--these help implement the statute through legally defined procedures.

3. Federal provisions--these regard State administration of Title I with requirements relating to Federal administrative practices.
4. Interpretive statements--these are clarifications by USOE on the legal framework through interpretive and illustrative responses to questions frequently raised by States and districts.
5. Program requirements--there are 14 requirements falling into the following categories:
 - a. eight fund allocation requirements:
 - eligibility (school selection)
 - targeting (student selection)*
 - general aid
 - supplement vs. supplant*
 - maintenance of effort
 - comparability
 - excess costs
 - equitably provided provisions
 - b. six program development requirements (These establish the nature of the services):
 - needs assessment*
 - program design
 - concentration of fiscal effort
 - coordination (with other State and Federal programs)
 - program evaluation*
 - parent involvement

These five areas were found to be statutorily and internally consistent by a Survey of Legal Standard conducted by LCCRUL (previously cited). However, the survey indicated that the legal framework was not very well understood in the field and that too much legal scholarship was needed to decipher the framework. This condition seems to have created two critical problems:

(a) States must devote more time to trying to understand legal technicalities and less to helping local districts implement programs; and (b) because (State education agencies) and (local

education agencies) do not understand the total flexibility under the legal framework, they tend to play it conservatively and adopt rather restrictive, less innovative programs. For instance, districts seldom provide summer and afterschool programs; they de-emphasize cultural enrichment activities; and they restrict auxiliary services such as counselors and nurses for fear of general aid violations. At the same time, instructional programs tend to be of the pull-out type because districts believe these services are easier to document and justify in an HEW audit.

USOE's interpretive statements, on the other hand, would be useful if adequately disseminated and sufficiently updated. The NIE Report on Title I Administration reported that "the U.S. Office of Education has not collected or disseminated these answers in a single volume since 1968." (I understand that USOE has now drafted a policy manual which provides a comprehensive description of the legal framework incorporating the 1978 amendments to Title I.)

The program requirements described earlier continue to be problematic. LCCRUL recommended amendments to the legislation in H.R. 11282 to further clarify statutory wording without sacrificing the legal intent of the law. The program requirements marked with an asterisk on page 26 are those found to be most misunderstood by the NIE compensatory education studies. Generally speaking, the fund allocation requirements, although more controverisal were less confusing to SEAs than the program development requirements.

Monitoring and Enforcement

Two major activities guide the Federal management of Title I. One strategy relies on DHEW/USOE program review visits to a few districts each year, through the regular monitoring of program activities, while the second approach is conducted by the HEW Audit Agency (HEWAA) in its periodic review of fiscal (and compliance) audits. These two activities should be mutually reinforcing.

However, there are difficult problems between these two agencies:

- (a) They perceive each other's role and function rather differently;
- (b) They operate under different agency bureaucracies;
- (c) Little, if any, coordination exists between them; and
- (d) "The auditor's interpretation of the goals of the program or of individual regulations is not always consistent with that of USOE" (Burnes & Moss, 1978). Much conflict exists within the Federal Government in verifying State and local compliance which, in turn, increases the confusion at the SEA and LEA levels.

State Administration

Although States are legally required to execute Federal policy on Title I by governing district implementation of programs, they vary greatly in carrying out these policies. The State functions listed below are similar to those of the Federal Government.

1. Rulemaking: States can govern implementation by adding regulatory provisions consistent with the Federal framework. Some States have exorbitant regulations governing Title I which closely rival Federal regulations, while others have no provisions.

2. Monitoring: States vary greatly in the number of visits to local districts. While the average number of districts visited is 125, the range is from no visits to nearly 1,000 per year (Burnes & Moss, 1978).
3. State dissemination and technical assistance: The NIE report indicates that, on average, States sent 7 general information mailings to every LEA in FY76; however, some States reported no mailings and others reported as many as 30. Conferences held on sharing information with districts (on Federal and State regulations, application procedures, or on exemplary compensatory education programs) averaged 22 conferences per year. "One state reported 500 such conferences during Fiscal Year 1976" (Burnes & Moss, 1978).

The role of State administration is not clearly defined in the legislation or the Federal regulations and guidelines. States are therefore confused as to what they should do. For instance, there are no clear standards for conducting fiscal and compliance audits, and though States have authority to withhold funds from LEAs, this is not clearly indicated. At that same time, State officials struggle with allegiance to the State versus the Federal program they serve. They are, after all, State employees.

In examining complaints about overly restrictive guidelines, NIE discovered that most of these were State-promulgated provisions based on an incomplete understanding of the Federal guidelines. States must be able to understand and interpret Federal regulations sufficiently well to be of assistance and guidance to LEAs.

Several obvious conclusions regarding technical assistance and dissemination can be made from the NIE Title I Administration Report: (a) the greater the assistance to LEAs in completing the application, the higher the probability that high quality services will be provided; and (b) the difficulty in compliance decreases as SEA staff increases their contact with LEAs.

The importance of all this is that intensive State staff efforts have a major impact on program delivery. Quality of staff interaction between SEA and LEA is a greater predictor of administrative efficiency and program quality than the size of staff - not at all surprising, but good to have documented.

The NIE evaluation of Title I State administration found that the size of State Title I staffs varies considerably; from 2-58 professional staff (with a median of 11) and 1-43 nonprofessional staff (with a median of 7). This variance is affected by the size of administrative set-aside, amount of per district allocation, and variance of percentage of set-aside funds utilized to hire state staff (from 50% to 90%).

The NIE report also found that even more significant in shaping State and district behavior are the HEWAA audits. As the summary of the case studies in State administration reports, "the HEW audit process is the single most important aspect of the federal role in promoting state attention [to the framework]." This finding is even more surprising when we realize that less than 1% of the funding identified as misspent through audit exceptions is returned to USOE. Although the fear of audit exceptions can hinder program innovation, I suspect this is more true when districts are unsure of the legal framework.

Local District Administration

The State and local role in Title I administration needs further strengthening. Although Federal efforts will continue to impose solutions at the local level, there is sufficient evidence to show that they cannot have long term impact unless greater

local involvement and participation is engendered. As the large-scale Rand study indicated (Berman & McLaughlin, 1974) only the involvement of key local practitioners and significant other in the planning and implementation of solutions to correct the deficiencies of local programs will produce such an impact.

The administration of Title I still must bridge this critical gap.

As Wayson has indicated:

The ESEA failed to achieve its purposes...because its proponents did not understand that all changes in education, after they have been adopted by the central office of a local school district, must still be accepted by personnel who make decisions in school buildings and in individual classrooms (Wayson, 1975).

Local receptivity certainly will increase when local participation and sense-of-ownership is sanctioned. Regretfully NIE's study was too macro-oriented to investigate critical interdynamics and decision-making processes at the local education level. Yet, what affects our children is not a national, but a local phenomenon. The case studies resulting from the demonstration districts is a rather biased crosssection of districts and does not substitute for the type of qualitative data suggested.

SUMMARY

What have we learned from ESEA and Title I evaluations?

- . Achievement proficiency is poor for all groups, but more greatly affects minority youngsters.
- . The impact of desegregation on Hispanic school concentration affects the quality of compensatory programs delivered and has to be analyzed more closely.
- . Adult education is not serving the needs of our adults: or many other adults, for that matter.
- . USOE's yearly internal evaluation data are useless.
- . Title I achievement data are contradictory.
- . The differential effects of categorical educational programs on children are not well understood.
- . Parent and community involvement seems to make a considerable difference on the success of compensatory education, but we don't know how.
- . We have no information about compensatory education programs in outlying areas, e.g., Puerto Rico.
- . The present funds allocation formula seems adequate for the selection of schools with low-income children.
- . The legal framework, although internally consistent, is often misunderstood and rather poorly enforced. Lack of information about the law, therefore, has created misappropriation and caused programs to go in directions other than those intended.
- . The role of State administration is ambiguous in the legislation, and even more dubious in practice.
- . Local program delivery operates rather independently of legislative enactment or regulatory guidelines.
- . Information on Hispanics and Title I is absent from the literature.

CONCLUSIONS

1. Some of the most important areas of Title I are still not being carefully addressed. Fundamental questions about program effects on Hispanic children are not being answered.
2. Although Title I is a categorical aid program, its poor enforcement is conducive to general aid violations. While it is categorical in intent, it often operates as if it were general aid in nature.
3. Changing legislative provisions alone will not affect local program delivery sufficiently. Effective Title I program delivery is not inherent in the law, but in its general, overall practice.
4. Title I has not received its full and due appropriation since 1966. This makes it impossible to carry out the legislative act, as originally conceived, and spreads Title I thinly across too many school districts.
5. The attitude demonstrated toward Hispanics in the Title I literature relegates Hispanics to a second class citizenship.

While much has been said about Title I, much more is yet to be done. A quote from H. G. Wells is a most fitting epitaph for what has been accomplished on Title I's past:

"If humanity cannot develop an education beyond anything that is now provided, if it cannot collectively invent devices and solve problems on a much richer, broader scale than it does at the present time, it cannot hope to achieve a very much finer order or any more general happiness than it now enjoys."

--1911

There has been much disagreement during the last 13 years as to whether ESEA truly intended a strong Federal reform of the American educational system. While thrust came from a small group of Washington bureaucrats trying to establish the principle of Federal aid to schools through the redirection of local priorities, the development of programs such as Title I have traveled a most curious course.

ESEA was not an outcome of public pressure; nor did it come from community grassroots efforts. It did not arise from public demand (Murphy, 1970). In the sweep of national reform President Johnson as a past educator himself, wanted to be known as the "Education President." On the other hand, school administrators supported ESEA only as a necessary tool for breaking previous barriers to Federal aid to schools. They perceived ESEA as a major step toward eventual general aid. The schoolmen's objective was "a law, not reform" (Murphy, 1970).

A cursory examination will reveal that USOE repeatedly has reversed itself rather quickly on clarifying memoranda under pressure from the State School Officers, local interest groups, and the Congress. ESEA's history has been predicated more greatly on politics than on education. As a result, the Education Division cannot provide effective and consistent direction on programs such as Title I. Even inconclusive evaluations have become politically acceptable, although exasperating.

I strongly agree with Jerome T. Murphy (1970) and believe that

the primary cause of an ineffective Federal system is political:

The federal system -with its dispersion of power and control -not only permits but encourages the evasion and dilution of federal reform, making it nearly impossible for the federal administration to impose program priorities; those not diluted by Congressional intervention, (sic) can be ignored during state and local implementation.

State and local administration does not yet reflect Federal statutory priorities. The question remains as to whether local implementation of a major Federal educational objective can be improved and delivered effectively when even the Federal arm has become politicized at the departmental and branch office levels.

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